

THE TECHNOLOGY,
MEDIA AND
TELECOMMUNICATIONS
REVIEW

TWELFTH EDITION

Editor
Matthew T Murchison

THE LAWREVIEWS

THE

TECHNOLOGY, MEDIA AND TELECOMMUNICATIONS REVIEW

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For further information please contact Nick.Barette@thelawreviews.co.uk

Editor

Matthew T Murchison

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CONTENTS

PREFACE.....	vii
<i>Matthew T Murchison</i>	
LIST OF ABBREVIATIONS.....	ix
Chapter 1 AUSTRALIA.....	1
<i>Angus Henderson and Irene Halferty</i>	
Chapter 2 BELARUS.....	37
<i>Kirill Laptev and Pavel Lashuk</i>	
Chapter 3 CHINA.....	50
<i>Jihong Chen</i>	
Chapter 4 COLOMBIA.....	64
<i>Carolina Pardo, Daniela Huertas and Daniel Fajardo</i>	
Chapter 5 EGYPT.....	76
<i>Tarek Badawy, Salma Abdelaziz and Hoda ElBeheiry</i>	
Chapter 6 ESTONIA.....	90
<i>Mihkel Miidla, Liisa Maria Kuuskmaa and Oliver Kuusk</i>	
Chapter 7 FRANCE.....	113
<i>Myria Saarinen and Jean-Luc Juban</i>	
Chapter 8 GERMANY.....	132
<i>Joachim Grittmann and Alexander Wilhelm</i>	
Chapter 9 INDIA.....	147
<i>Rahul Goel, Anu Monga, Saudamini Sharma and Namrata Raj</i>	

Contents

Chapter 10	INDONESIA.....	169
	<i>Enrico Iskandar, Alwin Widyanto Hartanto and Hadyan Farizan</i>	
Chapter 11	ITALY.....	181
	<i>Marco D'Ostuni, Marco Zotta and Riccardo Tremolada</i>	
Chapter 12	JAPAN.....	220
	<i>Stuart Beraha, Hiroki Kobayashi and Benjamin Han</i>	
Chapter 13	LATVIA.....	247
	<i>Andris Tauriņš, Gunvaldis Leitens and Lūcija Strauta</i>	
Chapter 14	LITHUANIA.....	267
	<i>Stasys Drazdauskas</i>	
Chapter 15	LUXEMBOURG.....	278
	<i>Linda Funck</i>	
Chapter 16	MEXICO.....	306
	<i>Ricardo Ríos Ferrer, María Fernanda Palacios Medina and Sonia Cancino Peralta</i>	
Chapter 17	POLAND.....	318
	<i>Xawery Konarski</i>	
Chapter 18	RUSSIA.....	330
	<i>Maxim Boulba and Elena Andrianova</i>	
Chapter 19	SAUDI ARABIA.....	343
	<i>Brian Meenagh, Alexander Hendry, Homam Khoshaim, Lucy Tucker and Avinash Balendran</i>	
Chapter 20	SPAIN.....	365
	<i>Pablo González-Espejo</i>	
Chapter 21	SWITZERLAND.....	386
	<i>Lukas Bühlmann, Michael Reinle and Damian George</i>	
Chapter 22	TAIWAN.....	401
	<i>Ken-Ying Tseng, Vick Chien and Sam Huang</i>	
Chapter 23	UNITED ARAB EMIRATES.....	413
	<i>Fiona Robertson</i>	

Contents

Chapter 24	UNITED KINGDOM.....	420
	<i>Gail Crawford, David Little and Lisbeth Savill</i>	
Chapter 25	UNITED STATES.....	447
	<i>Matthew T Murchison, Elizabeth R Park and Michael H Herman</i>	
Appendix 1	ABOUT THE AUTHORS.....	471
Appendix 2	CONTRIBUTORS' CONTACT DETAILS.....	493

PREFACE

This volume marks the 12th edition of *The Technology, Media and Telecommunications Review*, which has been fully updated to provide an overview of evolving legal and policy activity in this arena across 25 jurisdictions around the world. This publication continues to occupy a unique space in the literature on TMT issues. Rather than serving a traditional legal treatise, this Review aims to provide a practical, business-focused survey of these issues, along with insights into how this legal and policy landscape in the TMT arena continues to evolve from year to year.

In 2021, the ongoing covid-19 pandemic has continued to loom large over legal and policy developments in this sector. As the threat of infection has continued to affect how we live, work and interact, the importance of connectivity has never been greater or more obvious. For many businesses, remote working has been the rule rather than the exception since March 2020, and may well persist in some form well after the pandemic is over. Many schools switched to distance learning formats during the pandemic. Tele-health is on the rise as doctors check in on patients via videoconference. Even tasks as mundane as grocery shopping have shifted online. And broadband connectivity, where available, has made it all possible.

The experience of covid-19 has, in turn, continued to reshape policymakers' understanding of the TMT arena. The shift to remote working and distance learning has stress-tested broadband networks across the world – providing a 'natural experiment' for determining whether existing policies have yielded robust systems capable of handling substantial increases in internet traffic. At the same time, the pandemic has prompted new initiatives to ensure, improve and expand broadband connectivity for consumers going forward. In various jurisdictions, policymakers are moving forward with subsidy programmes and other efforts to spur the deployment of advanced networks more deeply into unserved and underserved areas. Regulators also have taken steps to preserve internet access where it already exists, including by exploring mandates prohibiting disconnection of customers or requiring certain rates for low-income consumers – measures that, where adopted, sometimes have sparked fresh legal challenges and policy debates over the relative merits of government intervention and market-based solutions.

New technologies likewise have required new approaches and perspectives of policymakers. A notable example is the ongoing deployment of 5G wireless networks, as regulators continue to look for ways to facilitate such deployment. These initiatives take a variety of forms, and frequently include efforts to free up more spectrum resources, including by adopting new rules for sharing spectrum and by reallocating spectrum from one use to another. Multiple jurisdictions have continued to auction off wireless licences in bands newly designated for 5G deployment, capitalising on service providers' strong demand for

expanded access for spectrum. The planned deployment of new satellite broadband services, including multiple large satellite constellations in low-earth orbit, also continues to be a focus of regulatory interest across the world.

Meanwhile, long-running policy battles over the delivery of content over broadband networks continue to simmer in various jurisdictions, and new fronts have opened on related issues involving the content moderation policies of social media companies and other online platforms. Policymakers continue to grapple with questions about network neutrality, the principle being that consumers should benefit from an ‘open internet’ where bits are transmitted in a non-discriminatory manner, without regard for their source, ownership or destination. While the basic principle has been around for well over a decade, unresolved issues remain, including whether newer kinds of network management practices implicate such concerns, and whether efforts to promote a healthy internet ecosystem are best served by light-touch, market-based regimes or by more intrusive government interventions. In the United States, the light-touch approach reinstated in 2018 seems fairly certain to be revisited at the federal level, and certain states are continuing to claim an ability to impose their own restrictions on internet service providers. Regulators around the world have begun taking more aggressive enforcement action against internet service providers’ zero rating plans, which exempt certain data from counting against a customer’s usage allowance. Regulators in Asia are grappling with similar policy questions. In addition, these neutrality principles, usually debated in the context of broadband networks, are now spilling over to the content side, where social media companies are facing increased scrutiny over claims of discriminatory practices in moderating content appearing on their platforms. Indeed, some jurisdictions are considering measures that not only would rescind immunities these platforms have traditionally enjoyed for their content moderation practices, but also would require increased transparency and potentially even impose anti-discrimination mandates or other consumer protections. In short, while the balance of power between broadband network operators and online content providers historically has turned on the degree of regulation of the former, both sides’ practices are now very much in the spotlight.

The following country-specific chapters describe these and other developments in the TMT arena, including updates on privacy and data security, regulation of traditional video and voice services, and media ownership. On the issue of foreign ownership in particular, communications policymakers have increasingly incorporated national security considerations into their decision-making.

Thanks to all of our contributors for their insightful contributions to this publication. I hope readers will find this 12th edition of *The Technology, Media and Telecommunications Review* as helpful as I have found this publication each year.

Matthew T Murchison

Latham & Watkins LLP

Washington, DC

November 2021

LITHUANIA

*Stasys Drazdauskas*¹

I OVERVIEW

An effective system to encourage the growth of an innovative economy in Lithuania is seen by the government as a strategic objective. Lithuania is focused on the development of high-level scientific knowledge, scientific research and experimental development, as well as fostering innovative business, intersectoral business cooperation and technology transfer.

Lithuania is particularly strong in the health and biotechnology area (worth about 1 per cent of the country's GDP),² where the government is continuously committed to providing support. The annual growth rate in the Lithuanian life sciences sector is 19 per cent, which is one of the most rapid growth paces seen across the European Union.³ Photonics is another advanced area in Lithuania, where close to a thousand specialists are employed in the laser industry.⁴ In fintech, with the support of the Lithuanian Bank, Lithuania is experiencing the emergence of many new pilot projects, such as the Fintech Sandbox, Blockchain Sandbox, Open Banking Sandbox and Energy Sandbox.⁵

Information technology sector production in Lithuania is close to €2.5 billion, which to a large extent is driven by software engineering, programming and consulting services, in which over 35,000 IT specialists are employed (about 2.3 per cent of the total workforce in Lithuania).⁶ Global business service centres established by Danskebank, WesternUnion, Nasdaq, SEB, Skandia, Paroc, Swedbank and Euromonitor international account for a large portion of the IT workforce in Lithuania. There is already a significant number of companies originating in Lithuania, as well as branches of international companies engaged in AI systems development.

Electronic communication market revenue grew by 5.5 per cent in 2021.⁷ By the middle of 2021 there were 3.65 million active SIM cards (131 per cent of the total Lithuanian population).⁸ The internet is used by 82.2 per cent of the population (in the 16 to 29 age

1 Stasys Drazdauskas is counsel at Sorainen.

2 <https://investlithuania.com/wp-content/uploads/Biotech-in-Lithuania.pdf>.

3 <http://lta.lt/en/life-science/>.

4 http://www.ltoptics.org/uploads/documents/Laser%20Technologies%20in%20Lithuania_2019.pdf.

5 <https://investlithuania.com/wp-content/uploads/2018/05/Technology-in-Lithuania.pdf>.

6 <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=32060>.

7 https://www.rrt.lt/wp-content/uploads/2021/09/Ataskaita_2021_II_kervirtis.pdf.

8 https://www.rrt.lt/wp-content/uploads/2021/09/Ataskaita_2021_II_kervirtis.pdf.

group, the figure reaches 99.1 per cent),⁹ and average broadband speeds are 55MB/s with fast public WiFi. According to Ookla Global Speedtest data of August 2021, Lithuania ranks 33rd in the world in terms of internet speed.¹⁰

In terms of electronic governance services in Lithuania, the country is classified as having a highly developed e-government. On the Electronic Government Development Index (EGDI), Lithuania ranked 20th in the world in 2020, rising 20 positions in two years.¹¹

II REGULATION

i The regulators

Electronic communications is one of the most regulated technology areas in Lithuania. The Law on Electronic Communications (LEC)¹² transposes the EU regulatory framework for electronic communications. On the basis of the LEC, further government regulations have been adopted to regulate certain more technical or more detailed issues of the framework.

The Communications Regulatory Authority¹³ is the main regulator in the electronic communications area, and is also responsible for adoption of a number of delegated legal acts, as well as supervisory measures (market review, imposition of measures for entities with significant market power, etc.).

The LEC applies to electronic communication services, the definition of which is equivalent to the EU Framework Directive, public communication networks, universal services, as well as governance of electronic communication resources (frequencies, numbering plan). The law also contains provisions on privacy in electronic communications, transposing the e-Privacy Directive.

Information society services are regulated by the Law on Information Society Services,¹⁴ transposing the Directive on electronic commerce, which is based on non-discrimination, technological neutrality, functional equivalency and other principles. Liability exemptions for transmission service, caching service and hosting service providers are established, without imposing a general obligation for providers to monitor stored or transmitted information.

Media services are regulated by the Law on Provision of Information to the Public (LPIP).¹⁵ The Law establishes the procedure for collecting, producing, publishing and disseminating public information and the rights, duties and liability of producers and disseminators of public information, their participants, journalists and institutions regulating their activities. The Law establishes licensing and notification requirements for broadcasting (TV, radio) organisations, limitations on ownership, requirements for media content, programme composition, language, advertising restrictions, ethics, etc.

9 <https://osp.stat.gov.lt/statistiniu-rodikliu-analize>.

10 <https://www.speedtest.net/global-index>.

11 <https://publicadministration.un.org/egovkb/Data-Center>.

12 Latest English version: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/05cd4e020f0a11e7b6c9f69dc4ecf19f?jfwid=-502q00eth>.

13 Website: <https://www.rtt.lt/en/>.

14 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.277491/FGVmSopPwK>.

15 Latest English version: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b90a7c321c7b11ecad9fbbf5f006237b?jfwid=159qedq0oj>.

The media area is supervised by an independent regulatory authority – the Radio and Television Commission (RTC).¹⁶ The RTC is responsible for licensing of radio and television broadcasting and rebroadcasting activities, notification procedures, approval of ownership transfers, monitoring and supervision of content control, and advertising requirements.

Other regulatory bodies that may exercise supervision over electronic communications service providers pursuant to their competence include (not exhaustively) the State Consumer Rights Protection Authority, the State Data Protection Inspectorate, the Competition Council and the Inspector of Journalist Ethics.

ii Main sources of law

The main sources of law in the field of electronic communications are the Law on Electronic Communications, the Law on Information Society Services and the Law on Provision of Information to the Public.

More detailed regulations are contained in the specific regulations issued by the Communications Regulatory Authority or the government, for example, Order No. 1V-340 of the Communications Regulatory Authority regarding General Terms on Engaging in Electronic Communication Activities and Order No. 1V-125 of the Communications Regulatory Authority on Allocation of Spectrum for Broadcasting Radio and Television Programmes.

iii Regulated activities

Under the LEC, the provision of public communication (fixed, mobile and over electricity networks) networks or services, as well as public satellite communication networks and services, is subject to a prior notification obligation. The notification form is publicly available on the website of the Communications Regulatory Authority (CRA).¹⁷

All public communication service providers who engage in the provision of public communication networks and services, dedicated lines, internet access, data transfer services, television (satellite, cable, multi-channel microwave, digital terrestrial, IPTV) services, cable radio services, optical fibre network services, and TV and radio transmission services are subject to quarterly reporting obligations. The reporting form is publicly available on the website of the CRA,¹⁸ which can be submitted electronically.

There is no requirement for communication service providers to be established or registered locally.

Radio frequencies are assigned by the CRA in accordance with the approved national plans. They can be assigned directly to the applicant, or by way of a public auction (e.g., in the case of mobile communications networks). Telephone numbers are distributed according to the national numbering plan.

The RTC is responsible for licensing of radio and TV broadcasting and rebroadcasting activities. Licences are required for radio and TV broadcasting via terrestrial stations or networks, cable networks, multi-channel microwave networks, satellites, and networks the

16 Website: <https://www.rtk.lt/en/>.

17 https://www.rtt.lt/wp-content/uploads/2020/05/pranesimo-apie-ER-veiklos-pradzia_forma-4.docx.

18 https://www.rtt.lt/ketvirtines-ataskaitos-forma_2020/.

main purpose of which is not radio or TV broadcasting. Broadcasting via websites or web portals is not subject to licensing. Other broadcasters or subscription media service providers are subject to notification requirements.

iv Ownership and market access restrictions

In Lithuania, there are no general ownership restrictions for communication services providers. However, where national radio spectrum is allocated via public auction, participants usually are required by the CRA to comply with European and transatlantic integration criteria (i.e., entities must be established in countries of the EEA, EFTA, OECD or NATO).

The Law on Companies having Strategic Importance for National Security¹⁹ recognises information technology and telecommunications and other high technologies as economy sectors having strategic importance for national security. When an investor in this sector acquires ownership of more than one-quarter of the entity of the strategic sector, this acquisition must be notified to the Commission on Coordination of Security for Objects of Importance for National Security.

Radio and TV broadcasting licence holders may be owned by entities, who comply with certain restrictions. Licence holders cannot be owned by state or municipal institutions, governmental organisations, companies owned by the government or municipalities, banks, and political parties. Licence holders must also comply with reputation requirements (i.e., absence of criminal convictions for management or owners). Licence holders can be owned only by entities established in the European Economic Area, and which had no relations with entities or governments outside the EU or NATO that would pose a threat to national security.

Local, regional and national public information disseminators (newspapers, journals, books, television programmes, radio programmes, websites) must report their ownership to the RTC.

The telecommunication, media and technology sectors are also subject to general concentration controls from the perspective of competition law. In certain cases, an acquisition transaction may require notification and approval from the Competition Council.

In general, Lithuanian law does not limit market access, except for the limitations specified above.

v Transfers of control and assignments

Telecommunication service providers are usually not subject to ownership change notifications or approvals.

A change in the ownership of at least 10 per cent in a radio or TV broadcasting licence holder requires prior consent from the RTC. Prior to the ownership change, the licence holder has to apply to the RTC for consent and provide all information required to prove the reputation and origin of the new owner. Consent is granted usually within one month. In the event a concentration permit is required from the Competition Council, the consent is only issued after the permit is granted by the Competition Council.

The Commission on Coordination of Security for Objects of Importance for National Security reviews notifications regarding compliance of the investors with the restrictions of the Law on Objects having Strategic Importance for National Security and must adopt its conclusions within 20 working days after receipt of a notification.

19 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.189498/HJFvQfjZU?jfwid=-502pzz0ei>.

III TELECOMMUNICATIONS AND INTERNET ACCESS

i Internet and internet protocol regulation

The LEC does not contain rules dedicated specifically to internet or IP-based services. Certain electronic communication services, which are based on IP technology (e.g., voice over internet protocol), are subject to the same regulatory regime as other public access telecommunication services. For example, services that include inbound and outbound call services qualify as equivalent to public access telecommunication services, and the same legal and regulatory regime applies to such services. Call services provided via public switched telephone network, integrated services digital network based on IP, coaxial based on IP, STP or UTP based on IP, fibre to the premises based on IP, and global system for mobile communications technology-based fixed line services all qualify as substitute services by the CRA.

The CRA is supervising the implementation of Regulation (EU) 2015/2120 on open internet access and the BEREC Guidelines on the Implementation by National Regulators of European Net Neutrality Rules.²⁰

Information society services (other than electronic communication services) are subject to the regulation of the Law on Information Society Services, which is based on the principles of technological neutrality and non-discrimination. Information society service providers are required to provide the following directly and permanently accessible information to the recipients of the service:

- a* the name of the service provider;
- b* the service provider's registered address;
- c* contact details, including the electronic mail address;
- d* the register where the service provider is registered, and registration number;
- e* supervisory authority; and
- f* VAT payer code.

If reference is made to the fee charged for the service, information on whether the fee includes taxes and delivery charges must be provided.

Information society service providers who engage in information transmission (mere conduit), caching and hosting service provision are exempt from liability for the information transmitted. Additionally, such information society service providers are not required to monitor information upon the mere transmission thereof or provision of access thereto, temporary storage thereof in cache memory or storage thereof at the request of the recipient of the service; nor is the service provider obligated to actively seek facts or circumstances indicating illegal activity. However, these information society service providers are required to remove illegal content once they are notified by the right holders or those affected by the illegal information.

ii Universal service

In Lithuania, universal electronic communication services include provision of a subscriber line, internal calls and foreign calls, and call-box stations. Universal services are provided by Telia Lietuva, AB, a fixed-line communication service provider.

20 <https://www.rrt.lt/telefono-rsysys-internetas-tv/paslaugu-kainos-kokybe/paslaugu-kokybe-matavimai-zemelapiai/atvira-interneto-prieiga-ir-tinklu-neutralumas/>.

iii Restrictions on the provision of service

Price regulation

In Lithuania, the CRA has imposed price limitations to certain providers for universal electronic communications services, mobile call termination services, wholesale of high-speed broadband services, general economic interest services, wholesale central access in fixed location services to mass market products, wholesale high quality access in fixed location services, broadcast transmission services and broadcast transmission services for the provision of content services to end-users.

Access

Communication network service providers have to provide access to their infrastructure in cases where the user of infrastructure cannot implement its right to electronic communication infrastructure, or where the costs of such implementation would be disproportionately high. The network operator is required to conclude the agreement with the user of the infrastructure following the principles of non-discrimination and transparency.

Contracts with consumers

The Lithuanian Civil Code (Article 6.161) qualifies public communication service contracts as public contracts (i.e., public communication service contracts have to be concluded with any customer who applies for the services where it is technically possible to provide the service). Service providers may not refuse to conclude contracts or provide discriminatory terms to certain groups of customers. Standard terms in electronic service contracts are controlled by the general contract law provisions as well as specific terms in the LEC.

Net neutrality

Regulation (EU) 2015/2120 laying down measures concerning open internet access is directly applicable in Lithuania. Thus all communications service providers in Lithuania are under the obligation to treat all traffic equally, when providing internet access services, without discrimination, restriction or interference, and irrespective of the sender and receiver, the content accessed or distributed, the applications or services used or provided, or the terminal equipment used.²¹ Observance of net neutrality and open internet access is supervised by the CRA.

Unsolicited phone calls, faxes, emails and texts

Lithuania has implemented the e-Privacy Directive 2002/58/EC²² in the LEC. The LEC provides the same requirements regarding marketing communications for natural as well as legal persons. Under the LEC, the use of electronic contact details of a natural or legal person for direct marketing is allowed only with the person's prior consent (opt-in).

If a communications service provider obtains the electronic contact details (email, phone number) of a customer, who is a natural or legal person, in connection with selling a product or providing a service, such contact details may still be used for direct marketing

21 Articles 3 and 4 of Regulation (EU) 2015/2120.

22 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended.

of its similar products to the customer if the customer is given, upon the initial collection of electronic contact details and each time when the buyer's electronic contact details are used for direct marketing, a clear and distinct opt-out opportunity free of charge and in an easy manner; and the customer is allowed to exercise its right to refuse over an electronic communications network.

The exemption described above does not apply to voice calls, or calls placed with automated calling machines.

It should be noted that the e-Privacy Regulation,²³ which is currently at the proposal stage, is likely to repeal the e-Privacy Directive and its implementing national legislation in the near future.

iv Privacy and data security

Lithuania adopted the Law on Cyber Security in 2014,²⁴ which was recently amended to implement EU Directive 2016/1148 (NIS Directive). The Law provides for the requirements for the maintenance of network and information systems essential for the functioning of society and state and local authorities' network and information systems, liability and supervision as well as the bases for the prevention and resolution of cyber incidents.

The LEC provides the obligation for network service providers to retain certain electronic communication data for six months for the purpose of investigation of serious crimes.

As of 25 May 2018, the General Data Protection Regulation (GDPR) has been applicable in Lithuania. This was also of extreme importance in the communications sector, as the general rules set out in the GDPR are also applicable in the communications sector. In addition to the GDPR, Lithuania still has the Law on Legal Protection of Personal Data²⁵ as amended to comply with the GDPR.

In addition to the GDPR and the Law on Legal Protection of Personal Data, some data protection requirements are also set out in the LEC, in particular related to e-Privacy Directive implementation.

Minors are protected by the Law on Protection of the Underaged from Negative Impact of Public Information,²⁶ which applies to TV, radio content, as well as advertising, trademarks, computer games and other public information.

IV SPECTRUM POLICY

i Development

The CRA has approved a number of plans for development of radio spectrums (24,25–27,5GHz, 470–790MHz, 380–385MHz, 390–395MHz, 2,200–2,300MHz, 2,500–2,690MHz, and 790–862 MHz).

There is a list of spectrum approved by the CRA, which can be used without authorisation.

Recently the government decided to open the spectrum at 700MHz, which will be used for 5G communication. Radio frequencies intended for 5G connection are expected to

23 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0010>.

24 <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f6958c2085dd11e495de9901227533ee/aWQzaxBVgy>.

25 <https://www.e-tar.lt/portal/lt/legalAct/TAR.5368B592234C/VCRurdZydD>.

26 <https://e-seimas.lrs.lt/portal/legalActEditions/lt/TAD/TAIS.183129>.

be allocated in 2021 and 2022. Until 2025, high-speed mobile connections are expected to cover key land transport corridors and urban areas. The 4G network has been developed in Lithuania since 2014.

ii Flexible spectrum use

There is a list of spectrum approved by the CRA, which can be used without authorisation.

iii Broadband and next-generation mobile spectrum use

Spectrum for mobile networks is traditionally made available by auction to three operators.

Recently the government decided to open the spectrum at 700MHz, which will be used for 5G communication. The auction is expected to be launched in 2021 or 2022.

iv Spectrum auctions and fees

The latest spectrum auction was held in 2015 for 880–915MHz, 925–960MHz, 1,710–1,785MHz and 1,805–1,880MHz, where the frequencies were assigned to three mobile network operator in Lithuania.

The next auctions for developing 5G are likely to be for spectrum around 700MHz.

V MEDIA

i Regulation of network operators and content providers

In Lithuania, network operators and their provided services of content, and, in addition, information creators (for example, daily news creators) fall under the regulation of the LPIP. Meanwhile, the Law on Copyright and Related Rights regulates rights of authors who have created the provided content (a show, a film or any other object under the Law on Copyright and Related Rights). Network operators' showed content has to comply with the Law on the Protection of Minors from the Negative Impact of Public Information. All content providers are liable for the selection, provision and dissemination of radio and television programmes or individual programmes, which have to comply with the established requirements and the legality of such activities.

ii Restrictions on the provision of service

Censorship

Censorship of public information is prohibited in Lithuania. To ensure freedom of information, the LPIP prohibits exerting pressure on the producer or disseminator of public information, their participant or a journalist, compelling them to present information in the media in an incorrect and biased manner. The producer, disseminator of public information, their participant or a journalist shall have the right to keep the confidentiality of their source of information and not to disclose it, except where a court orders such disclosure.

Restriction

The LPIP prohibits publication in the media of information that:

- a* disseminates disinformation or war propaganda, or instigates a war and incites a violation of the sovereignty of the Republic of Lithuania in order to change its constitutional order, to encroach on its independence or to infringe its territorial integrity;
- b* incites or provokes terrorist offences;

- c* instigates and incites hatred, ridicule or humiliation, or instigates discrimination, violence or physical violent treatment, of a group of persons or a member of a group on the grounds of age, sex, sexual orientation, ethnic origin, race, nationality, citizenship, language, origin, social status, disability, belief, convictions, views or religion;
- d* disseminates, promotes or advertises pornography, sexual services and paraphilias;
- e* promotes or advertises the use of narcotic drugs, psychotropic substances and other substances that cause psychological addiction, as well as psychological addiction to gambling;
- f* is slanderous and offensive to a person or degrades his or her honour and dignity; or
- g* violates the presumption of innocence and impedes the impartiality of judicial authorities.

Language requirements

The LPIP requires public information to be produced and disseminated in the state language. Radio or television programmes that are broadcast in a language other than Lithuanian must be translated into Lithuanian or shown with Lithuanian subtitles, except for educational, occasional, special, music and rebroadcast foreign radio or television programmes or parts of programmes as well as programmes produced by broadcasters of radio or television programmes intended for the ethnic minorities of Lithuania. Broadcasters of television programmes are prohibited from showing audiovisual works that have been translated from an official EU language into a non-EU language. When rebroadcasting television programmes, rebroadcasters or other persons providing services of dissemination of television programmes or individual programmes via the internet for Lithuanian users must give priority to the official EU languages.

EU content

Broadcasters of television programmes must, where possible, reserve more than half of the television programme time remaining after deducting the time allocated for news, sports events, games and advertising programmes, teletext services and teleshopping for European works. Broadcasters of television programmes must, where possible, reserve at least 10 per cent of the television programme time remaining after deducting the time allocated for news, sports events, games, advertising programmes, teletext services and teleshopping for European works created by independent producers not earlier than within the past five years.

Advertising restrictions

Advertising and audiovisual commercial communications must be decent, correct and readily recognisable. It is prohibited to publish in advertising and audiovisual commercial communications information that:

- a* uses subliminal techniques;
- b* uses misleading advertising;
- c* prejudices respect for human dignity;
- d* discriminates against or promotes any discrimination based on sex, sexual orientation, racial or ethnic origin, nationality, citizenship, language, origin, social position, disability, faith, beliefs, views or religion;
- e* encourages behaviour prejudicial to health or safety as well as grossly prejudicial to the protection of the environment;

- f* advertises tobacco products, electronic cigarettes and refill containers, or herbal products as established in the Law on Control of Tobacco, Tobacco Products and Related Products;
- g* advertises alcoholic beverages as established in the Law on Alcohol Control;
- h* advertises medicinal products only on prescription as established in the Law on Pharmacy or medical treatment prescribed by doctors, except in special publications or special media;
- i* causes detrimental effects on mental health as well as physical, mental or moral detriment to minors as established in the Law on the Protection of Minors against Detrimental Effect of Public Information;
- j* advertises gambling as established in the Gaming Law;
- k* advertises lotteries as established in the Law on Lotteries; or
- l* violates other general requirements for advertising as established in the Law on Advertising.

The total time of television advertising spots and teleshopping spots must not exceed 20 per cent of the time in the period from 6.00 to 18.00 and not exceed 20 per cent of the time in the period from 18.00 to 24.00.

iii Internet-delivered video content

Besides television services, on-demand audiovisual media services are becoming increasingly popular. On-demand audiovisual media services do not require a licence, but do require a notification to be submitted to the RTC.

Most of the biggest TV channels in Lithuania have started their own video distribution services. Internet news portals are also including video publications as part of their service.

VI THE YEAR IN REVIEW

The past year was somewhat productive, as some laws have been changed and ultra-fast broadband development in the 2021–2027 plan has been approved. Nevertheless, the upcoming year should see much more activity in the TMT sector of Lithuania, since the European Electronic Communications Code is planned to be implemented. The amendment to the Lithuanian Law on Electronic Communications for the purpose of implementation of the European Electronic Communications Code was prepared and has been redrafted a few times, but it has still not been adopted, although it meant to be implemented by 21 December 2020. The implementing amendments are scheduled for adoption in the Parliament's autumn session of 2021.

In the Lithuanian telecommunications market the two main operators (TELE2 and Bitė Lietuva) had declared their intention to form a shared radio access network, pooling their spectrum rights for 5G deployment, but restrictions imposed by the CRA in the decision approving the deal made the companies withdraw. Bitė Lietuva also announced an acquisition of the state-owned wireless internet and TV service provider Lietuvos radijo ir televizijos centras. At the moment, the transaction is being challenged in court.

VII CONCLUSIONS AND OUTLOOK

Generally, Lithuania follows European policies and has successfully implemented various pieces of EU legislation into national law. The key challenge in the coming year will be the implementation of the European Electronic Communications Code, which had to be transposed by 21 December 2020.

It is likely that the government will continue its policy of supporting key technology areas.

In the telecommunications sector, the most important development in the upcoming year should be the development of the 5G network.

ABOUT THE AUTHORS

STASYS DRAZDAUSKAS

Sorainen

Dr Stasys Drazdauskas is head of the Sorainen technology, media and telecommunications sector group in Lithuania. He is a highly experienced lawyer, practising in intellectual property, information technology, dispute resolution and other practice areas.

Stasys advises companies involved in the media, retail and wholesale, financial services, pharmaceuticals and consumer product manufacturing sectors on matters related to intellectual property as well as information technologies and data protection. He helps devise strategies for trademark registration and the scope of protection, protects against IP infringements, and advises on acquiring or commercialising IP rights, including copyright, trademarks, domain names, trade secrets and inventions.

Stasys is on the list of arbitrators recommended by the Vilnius Court of Commercial Arbitration.

In addition to his professional career, he is also active in the academic field and currently lectures on European private law at Vilnius University's Faculty of Law.

Stasys appears in *Chambers Global* for dispute resolution ('His mind is very sharp and he is really talented', say clients). Stasys is recognised for his growing arbitration practice and is noted for his particular focus on IP, IT and data-related corporate conflicts. Stasys is recognised in *The Legal 500* for intellectual property and IT ('On the technology and telecoms side, Stasys Drazdauskas handles data protection and cloud law issues and is praised for his "frankness and result-oriented approach"'); in the *World Trademark Review 1000*, which recommends Stasys as a leading trademark professional; and in *Best Lawyers* for intellectual property, information technology and media resolution.

SORAINEN

Gedimino ave 44A

Vilnius 01110

Lithuania

Tel: +370 5 2685040

Fax: +370 5 2685041

stasys.drazdauskas@sorainen.com

www.sorainen.com

an LBR business

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